

John P. Hooper  
*jhooper@kslaw.com*  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 556-2220

*Counsel for the Toyota Defendants*

Elizabeth J. Cabraser (83151)  
*ecabraser@lchb.com*  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000

Mark P. Robinson, Jr. (54426)  
*mrobinson@rcrlaw.net*  
Donald H. Slavik  
*dslavik@rcrlaw.net*  
ROBINSON CALCAGNIE  
ROBINSON SHAPIRO DAVIS, INC.  
19 Corporate Plaza Dr.  
Newport Beach, CA 92660  
Telephone: (949) 720-1288

*Plaintiffs' Co-Lead Counsel for the  
Personal Injury/Wrongful Death Cases*

W. Daniel Miles, III  
*dee.miles@beasleyallen.com*  
BEASLEY ALLEN CROW METHVIN  
PORTIS & MILES PC  
272 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103  
Telephone: (334) 269-2343

*Member of the Plaintiffs' Liaison  
Counsel Committee for the Personal  
Injury/Wrongful Death Cases*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

In Re: TOYOTA MOTOR CORP.  
UNINTENDED  
ACCELERATION MARKETING,  
SALES PRACTICES, AND  
PRODUCTS LIABILITY  
LITIGATION

This document applies to  
All Personal Injury, Wrongful Death  
and Property Damage Cases

Case No. 08:10-ML-2151 JVS (FMOx)

**PLAINTIFFS' AND TOYOTA  
DEFENDANTS' JOINT STATUS  
REPORT REGARDING THE  
INTENSIVE SETTLEMENT  
PROCESS**

Date: October 7, 2019  
Time: 8:00 a.m.  
Dept: Courtroom 10C  
Judge: Honorable James V. Selna

Pursuant to the Court's Civil Minutes dated January 14, 2014 (Dkt No. 4504), the Court's Civil Minutes dated April 29, 2014 (Dkt No. 4554), the Court's Civil Minutes dated October 21, 2014 (Dkt No. 4740), the Court's Civil Minutes dated March 17, 2015 (Dkt No. 4933), the Court's Civil Minutes dated July 30, 2015 (Dkt No. 5030), the Court's Civil Minutes dated October 13, 2015 (Dkt No. 5073), the Court's Civil Minutes dated January 12, 2016 (Dkt No. 5112), the Court's Civil Minutes dated April 7, 2016 (Dkt No. 5150), the Court's Civil Minutes dated June 29, 2016 (Dkt No. 5199), the Court's text-only entry dated October 5, 2016 (Dkt No. 5229), the Court's Civil Minutes dated December 6, 2016 (Dkt. No. 5273), the Court's Civil Minutes dated March 7, 2017 (Dkt. No. 5338), the Court's Civil Minutes dated June 13, 2017 (Dkt. No. 5423), the Court's Civil Minutes dated October 11, 2017 (Dkt. No. 5476), the Court's Civil Minutes dated January 17, 2018 (Dkt. No. 5525), the Court's Civil Minutes dated April 25, 2018 (Dkt. No. 5589), the Court's Civil Minutes dated July 31, 2018 (Dkt No. 5621), the Court's Civil Minutes dated December 12, 2018 (Dkt No. 5685), the Court's Civil Minutes dated May 15, 2019 (Dkt. No. 5709), and in advance of the Court's next Status Conference, which is set for October 7, 2019 at 8:00 a.m., Plaintiffs' Co-Lead Counsel for the Personal Injury/Wrongful Death Cases and members of the Plaintiffs' Liaison Counsel Committee for the Personal Injury/Wrongful Death Cases (collectively "Plaintiffs' Co-Lead Counsel") and counsel for Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. hereby respectfully submit this Joint Status Report Regarding the Intensive Settlement Process (the "ISP"). The ISP is continuing to make good progress as the parties attempt to resolve the various personal injury, wrongful death and/or property damage cases pending before this Court and in other courts.<sup>1</sup>

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<sup>1</sup> The Court's Order Establishing Intensive Settlement Process ("ISP") and Setting Hearing (Dkt No. 4490) (the "ISP Order") was confirmed and adopted at the hearing held on January 14, 2014 and memorialized in the Court's Civil Minutes –

1 **I. Current Settlement Status**

2 Toyota is pleased to report that they have resolved, or have agreements in  
3 principle to resolve, 537 matters.<sup>2</sup> Of this number, Toyota notes that 183 cases  
4 (97%) are/were pending in the MDL (out of 189 total personal injury cases in the  
5 MDL) and 105 cases (93%) are/were pending in the JCCP (out of 113 total personal  
6 injury cases in the JCCP). According to Toyota, for the remaining 6 cases, or 3%,  
7 pending in the MDL, all have requested ISP. Toyota reports that, for the remaining  
8 8 cases, or 7%, pending in the JCCP, all have requested ISP.

9 Significantly, there are currently only two<sup>3</sup> MDL cases and zero JCCP cases  
10 that have gone through the entire ISP process that have been certified by the  
11 Settlement Special Master as completing the process without resolving. Three  
12 other JCCP cases and three other MDL cases that were previously certified out  
13 returned to the ISP and subsequently resolved, and three other MDL cases have  
14 been otherwise dismissed by the Court. Attached as Exhibit A is a chart that  
15 provides a greater breakdown by category for the ISP. Attached as Exhibit B is a  
16 chart that provides additional information on the unresolved MDL and JCCP cases  
17 and their current status in the ISP. Attached as Exhibit C is a chart that provides the  
18 status of the remaining open cases pending in this MDL.

19 Overall and through the efforts of all parties, including, but not limited to,  
20 Plaintiffs' Co-Lead and Liaison Counsel, Toyota advises the Court that it has  
21 agreements in principle to resolve 249 matters outside of the MDL and JCCP  
22 Proceedings.<sup>4</sup>

23  
24 General dated January 14, 2014 (Dkt No. 4504). A similar order was issued by  
25 Judge Edmon in Toyota Motor Cases, Joint Council Coordination Proceeding, No.  
26 4261 (Superior Court of Los Angeles County, CA) (the "JCCP Proceeding").

27 <sup>2</sup> All resolved case numbers have now been updated to include those matters that  
28 have been voluntarily dismissed or are no longer being pursued by counsel.

<sup>3</sup> Alvarez-Cabrera, has since been remanded to the District of Puerto Rico.

<sup>4</sup> As of September 19, 2019, plaintiffs in approximately 14 unresolved matters  
outside of the MDL or JCCP Proceeding have requested to participate in the ISP  
and a majority of these plaintiffs have already provided records and materials

1 **II. ISP Overview**

2 Since the issuance and adoption of the ISP Order,<sup>5</sup> Toyota's counsel have  
3 had extensive and intensive negotiations with plaintiffs' firms representing a large  
4 number of plaintiffs and claimants. These efforts have included numerous face-to-  
5 face meetings with plaintiffs' counsel (including Plaintiffs' Co-Lead Counsel) in  
6 cities around the nation. These negotiations continue.

7 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel are in regular  
8 contact with Counsel for Toyota and have been since the inception of the ISP.  
9 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel encourage  
10 plaintiffs' counsel and pro se plaintiffs in all courts to participate in the ISP and  
11 assist those counsel and pro se plaintiffs to understand and navigate it. Toyota has  
12 provided Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel with  
13 various lists of counsel having UA cases throughout the country in order that  
14 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel can identify those  
15 counsel and initiate contact with them.

16 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel have sent  
17 numerous emails and memos following the materials sent by the Special Master,  
18 and have calls with counsel in UA cases to discuss their participation in the ISP.  
19 Plaintiffs' counsel in UA cases oftentimes contact Plaintiffs' Co-Lead Counsel and  
20 Federal/State Liaison Counsel for procedural guidance on their cases, which is  
21 freely given. Due to the open line of communication between the parties, Plaintiffs'  
22 Co-Lead Counsel and Federal/State Liaison Counsel are able to ascertain the status  
23 of cases in the ISP for individual counsel. Additionally, access to the electronic

24 necessary to move forward.

25 <sup>5</sup> The court overseeing the Texas state MDL proceeding in In re: Toyota Unintended  
26 Acceleration Litigation, Cause No. 2010-46354 (152nd Judicial District, District  
27 Court for Harris County, Texas) (the "Texas MDL Proceeding") has issued its own  
28 ISP order. This order, which was issued on February 18, 2014, is substantially  
similar to the one issued by this Court. The Texas court also appointed Patrick A.  
Juneau as the Settlement Special Master in that litigation to perform essentially the  
same tasks there as he performs in this MDL.

1 depository is given to those counsel with active UA cases, if requested and if the  
2 required protective order process is followed.

3 Plaintiffs' Federal/State Liaison Counsel maintain an extensive database of  
4 every UA case and counsel's contact information in order to have ready access to  
5 any information on the UA case when individual counsel contacts Plaintiffs' Co-  
6 Lead Counsel and Federal/State Liaison Counsel.

7 Counsel for Toyota has been and will continue to seek the input of Plaintiffs'  
8 Co-Lead Counsel and Federal/State Liaison Counsel and negotiate in good faith  
9 with remaining plaintiffs' counsel in attempts to resolve cases both informally/in  
10 advance of, and at the ISP settlement conferences and/or mediations. Pursuant to  
11 the ISP Order and with Plaintiffs' Co-Lead Counsel and Federal/State Liaison  
12 Counsel's assistance, where possible, the ISP settlement conferences are first  
13 addressing bellwether plaintiffs, bellwether plaintiffs in the discovery pool and  
14 those plaintiffs with exigent circumstances.

### 15 **III. ISP Settlement Conferences and ISP Mediations That Have Occurred**

16 After meeting and conferring with Plaintiffs' Co-Lead Counsel and since the  
17 issuance of the ISP Order, the parties have so far held forty-three official ISP  
18 settlement conferences and forty-one official ISP sets of mediations, in addition to  
19 numerous face-to-face informal meetings.

20 Since 2018, the following ISP settlement conferences have occurred:

- 21 • **Los Angeles, CA:** March 19-20, 2018 (8 matters).
- 22 • **Los Angeles, CA:** November 6, 2018 (1 matter).
- 23 • **New York, NY:** January 30, 2019 (1 matter).
- 24 • **Los Angeles, CA:** March 26, 2019 (4 matters).
- 25 • **Los Angeles, CA:** September 12, 2019 (3 matters).

26 Since 2018, the following ISP mediations have occurred:

- 27 • **Atlanta, GA:** May 15, 2018 (2 matters).

- **Los Angeles, CA:** November 5, 2018 (7 matters).
- **Baltimore, MD:** January 15, 2019 (1 matter).
- **New York, NY:** January 31, 2019 (1 matter).
- **Los Angeles, CA:** March 26-27, 2019 (5 matters).
- **New York, NY:** June 24-25, 2019 (2 matters).

### **III. ISP Settlement Conferences and ISP Mediations That Are Being Scheduled**

In light of the successes and pursuant to Court order, the parties continue to schedule more ISP settlement conferences and ISP mediations, subject to availability and other issues.

### **IV. Continued Interest in the ISP**

In addition to the resolutions as noted above, Plaintiffs' Co-Lead and Liaison Counsel and Toyota continue to be encouraged by the interest and response to date from plaintiffs' counsel in providing materials for cases to participate in the ISP. In addition, the Settlement Special Master's office, Plaintiffs' Co-Lead and Liaison Counsel and counsel for Toyota have received and responded to hundreds of e-mails, telephone calls, and letters regarding the ISP.

The Settlement Special Master and counsel for Toyota are in the process of meeting and conferring with Plaintiffs' Co-Lead and Liaison Counsel regarding upcoming ISPs as well as collecting records in order to begin confidential good faith negotiations. Plaintiffs' Federal/State Liaison Counsel continues to provide information and procedural assistance to those inquiring and interested in ISP participation, and in doing informational outreach to the declining number of those not yet engaged in the process.

Dated: September 26, 2019

KING & SPALDING LLP

By: /s/ John P. Hooper  
John P. Hooper  
jhooper@kslaw.com

1185 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 556-2220

*Attorneys for Defendants Toyota  
Motor Corp. and Toyota Motor  
Sales, U.S.A., Inc.*

LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP

By: /s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser (83151)  
*ecabraser@lchb.com*  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000

Mark P. Robinson, Jr. (54426)  
*mrobinson@rcrlaw.net*  
Donald H. Slavik  
*dslavik@rcrlaw.net*  
ROBINSON CALCAGNIE  
ROBINSON SHAPIRO DAVIS,  
INC.  
19 Corporate Plaza Drive  
Newport Beach, CA 92660  
Telephone: (949) 720-1288  
Facsimile: (949) 720-1292

*Plaintiffs' Co-Lead Counsel for the  
Personal Injury/Wrongful Death  
Cases*



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BEASLEY ALLEN CROW  
METHVIN PORTIS & MILES PC

By: /s/ W. Daniel Miles, III

W. Daniel Miles, III  
*dee.miles@beasleyallen.com*  
272 Commerce St.  
Birmingham, AL 36103  
Telephone: (334) 269-2343

*Member of the Liaison Counsel  
Committee for the Personal  
Injury/Wrongful Death Cases*



**CERTIFICATE OF SERVICE**

I hereby certify that I am over the age of 18, not a party to this litigation, and am an employee of King & Spalding LLP, which represents the Toyota Defendants in the above-referenced litigation. I further certify that a true and correct copy of the above and foregoing document was served upon the attorney of record for each other party through the Court's electronic filing service on September 26, 2019.

/s/ Jason Bush  
Jason Bush